UNITED
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General Assembly Security Council

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A/45/219
S/21252
18 April 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Items 35, 51, 57 and 58 of the
preliminary list*
THE SITUATION IN THE MIDDLE EAST
ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE
ZONE IN THE REGION OF THE MIDDLE EAST
CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL)
WEAPONS
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Forty-fifth year

Letter dated 16 April 1990 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you from Dr. Ahmed Esmat Abdel Meguid, Deputy Prime Minister and Minister of Foreign Affairs of Egypt, concerning the establishment of a zone free from weapons of mass destruction in the Middle East and summarizing President Hosni Mubarak's statement in this regard.

I kindly request that the letter be distributed as a document of the General Assembly, under items 35, 51, 57 and 58 of the preliminary list, and of the Security Council.

(Signed) Amre MOUSSA
Ambassador
Permanent Representative

* A/45/50.

ANNEX

Letter from the Deputy Prime Minister and Minister of Foreign Affairs of Egypt addressed to the Secretary-General

The Middle East, as you are well aware, continues to be a highly volatile conflict-torn region. Even in these times, when a rising tide of peace seems to be emerging in different regions of the world, as you so succinctly remarked in your report to the General Assembly at its forty-fourth session on the work of the United Nations (A/44/1), "the situation of the Middle East remains a source of profound and intense concern ...".

Recent developments in the region have further underscored the importance and urgency of safeguarding the Middle East from the ominous implications associated with nuclear weapons and other weapons of mass destruction.

Egypt has, for over 15 years, called for the establishment of a nuclear-weapon-free zone in the Middle East. This position emanated from our unwavering commitment to nuclear disarmament, as well as nuclear weapons non-proliferation, and our deep conviction that the introduction of nuclear weapons into the Middle East would have devastating consequences on the prospects for stability and security in the region, and for the maintenance of international peace and security in general.

At the forty-third session of the General Assembly, the international community once again reiterated its support for the establishment of a nuclear-weapon-free zone in the Middle East. In its resolution 43/65 of 7 December 1988, the General Assembly adopted without a vote, inter alia, highlighted certain measures and steps to be considered by States of the region pending the establishment of such a zone, foremost amongst which were adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and the application of International Atomic Energy Agency (IAEA) safeguards to the nuclear facilities in the States of the region.

It is worthy of note that Egypt and the other Arab States that have significant nuclear programmes have undertaken these measures. They have met the standard, universally acknowledged to be a legally binding determination, not to acquire nuclear weapons, as well as the verification procedures imperative to assure compliance. Now it is of paramount importance that all States of the region adhere to the said treaty, and accept the application of full IAEA safeguards to their nuclear facilities.

Egypt has also taken an equally forthcoming position and active role in disarmament efforts relating to other weapons of mass destruction, including in particular chemical weapons. It is Egypt's considered opinion that chemical weapons should be dealt with in a comprehensive and global context involving all types of weapons of mass destruction, whether nuclear, chemical or biological, in order to ensure international and regional security.

READEX FICHE

President Hosni Mubarak, on 8 April 1990, categorically declared Egypt's support for ensuring that the Middle East become a zone free from all types of weapons of mass destruction. President Mubarak emphasized the following:

(1) All weapons of mass destruction, without exception, should be prohibited in the Middle East, i.e. nuclear, chemical, biolcgical, etc.

(2) All States of the region, without exception, should make equal and reciprocal commitments in this regard.

(3) Verification measures and modalities should be established to ascertain full compliance by all States of the region with the full scope of the prohibitions without exception.

Egypt shall continue to work with States in the region, and beyond, towards declaring the Middle East a zone free from all weapons of mass destruction, and the establishment of the requisite international verification measures, applicable to all the States of the region on an equal basis. It is our sincere hope that the other States of the region will be equally forthcoming in this regard, as we strive to enhance the prospects for a just, lasting peace in the Middle East.

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18 April 1990
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GENERAL ASSEMBLY
Forty-fifth session
Item 32 of the preliminary list*
THE SITUATION IN KAMPUCHEA

SECURITY COUNCIL
Forty-fifth year

Letter dated 18 April 1990 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith, for your information, a declaration dated 14 April 1990 by Mr. Khieu Samphan, President of the Democratic Kampuchea Party and Vice-President of Cambodia in charge of Foreign Affairs, condemning the Vietnamese aggressors and their lackeys for making an attempt on the life of His Royal Highness Samdech Norodom Sihanouk, President of Cambodia.

I would be very grateful if the declaration could be distributed as an official document of the General Assembly, under the item 32 of the preliminary list, and of the Security Council.

(Signed) THIOUNN Prasith
Permanent Representative

* A/45/50.

ANNEX

DECLARATION BY MR. KHIEU SAMPHAN PRESIDENT OF THE DEMOCRATIC KAMPUCHEA PARTY AND VICE-PRESIDENT OF CAMBODIA IN CHARGE OF FOREIGN AFFAIRS CONDEMNING THE VIETNAMESE AGGRESSORS AND THEIR LACKEYS FOR MAKING AN ATTEMPT ON THE LIFE OF HIS ROYAL HIGHNESS SAMDECH NORODOM SIHANOUK, PRESIDENT OF CAMBODIA

- 14 April 1990 -

On 11 April 1990, the Vietnamese aggressors and their lackeys fired heavy artillery shells at the Residence of His Royal Highness Samdech NORODOM SIHANOUK, President of Cambodia and Leader of the Cambodian National Resistance, located at Sereipheap village, in the liberated zone of Cambodia.

This criminal attempt of the Vietnamese aggressors and their lackeys was perpetrated at a time when His Royal Highness Samdech NORODOM SIHANOUK, President of Cambodia and Leader of the Cambodian National Resistance has just proposed a meeting of the four Cambodian factions, and taken new initiatives with a view to bringing about, as soon as possible, a political settlement of the so-called Cambodian problem to put an end to the Vietnamese aggression war. This criminal act was committed at a time when the Democratic Kampuchea Party, on its part, has just made a declaration fully endorsing the 16-point principles set forth in the summary of conclusions adopted by the five Permanent Members of the United Nations Security Council in Paris on 16 January 1990.

By way of reacting to these peaceful initiatives, the Vietnamese aggressors and their lackeys have resorted to this odious and criminal act, using their cannon-balls.

This attempt of the Vietnamese authorities and their lackeys aims at covering up their grave defeat in Cambodia in all fields, military, political and structural which are nearing total collapse. Their currency, the riel, has devaluated to the point of becoming a simple piece of paper. At present, the Vietnamese aggressors and their lackeys are driven to an impass. This is the reason why they have made an attempt on the life of His Royal Highness Samdech NORODOM SIHANOUK, President of Cambodia and Leader of the

Cambodian National Resistance, whose important role in the political settlement of the so-called problem of Cambodia has been accepted by the Cambodian people and the international community as a whole.

On behalf of all combatants and cadres of the Democratic Kampuchea Party, one of the three components of the Cambodian National Resistance, and in my capacity as member of the National Government of Cambodia, I condemn, with an utmost indignation, this criminal act of the Vietnamese aggressors and their lackeys. We declare most solemnly to continue to support the patriotic activities of His Royal Highness Samdech NORODOM SIHANOUK, President of Cambodia and Leader of the Cambodian National Resistance. We also stress our determination to continue our cooperation with the Sihanoukian National Army (ANS) and with all other patriotic forces as well as with all our compatriots living inside Cambodia and abroad with a view to intensifying our activities against the Vietnamese aggressors and their lackeys in all fields, military, political and diplomatic, and that until the Vietnamese aggressors accept to put an end by political means their aggression war by withdrawing all their forces from Cambodia under an effective control and verification of the United Nations and to respect the sacred right of the Cambodian people to determine freely their destiny without any foreign interference.

UNITED NATIONS

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GENERAL ASSEMBLY
Forty-fifth session
Items 92, 103, 109 and 113
of the preliminary list*
EFFECTIVE IMPLEMENTATION OF
UNITED NATIONS INSTRUMENTS ON
HUMAN RIGHTS AND EFFECTIVE
FUNCTIONING OF BODIES ESTABLISHED
PURSUANT TO SUCH INSTRUMENTS
CRIME PREVENTION AND CRIMINAL
JUSTICE
ELIMINATION OF ALL FORMS OF
RELIGIOUS INTOLERANCE
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 13 April 1990 from the Chargé d'affaires a.i.
of the Permanent Mission of Israel to the United Nations
addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Laos. I have underlined passages of special relevance (see annex).

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 103, 109 and 113 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

Printed for the use of the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and the Senate respectively

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* Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.

LAOS

The Lao People's Democratic Republic (LPDR) is a one-party, Communist state. The Lao People's Revolutionary Party (LPRP) is the source of all political authority in the country, and the party's leadership imposes broad and arbitrary controls on the population of approximately 3.9 million people.

The LPRP came to power in 1975 after a protracted civil war, during which it received strong support from North Vietnam. Vietnam continues to exert considerable influence over Laos, codified in the 25-year Treaty of Friendship and Cooperation signed in 1977. The number of Vietnamese troops and advisers in Laos, however, has been declining since late 1987. The total of 40,000 to 50,000 troops originally stationed in Laos under the terms of the treaty has been greatly reduced. There have been reports that all Vietnamese combat troops and most military advisers have been withdrawn. In the last 2 years the LPDR has been working to improve relations with the West and to attract more Western assistance. The U.S.S.R. is also very influential in Laos; it is the largest contributor of economic and military assistance. Laos has begun to accept Soviet concepts of perestroika (restructuring), although the LPDR is seeking its own Lao formulation appropriate to its highly underdeveloped conditions.

Established 14 years ago, the LPDR still has no constitution and no published code of law. However, elections were held in March for a national assembly to draft a constitution. All candidates in this election were approved by the LPRP, although a number of victorious candidates were not party members. A constitution is not expected before mid-1990 at the earliest.

Laos is one of the poorest countries in the world. The Government's harsh policies, particularly in its first 5 years, combined with difficult economic conditions in general, drove some 350,000 Lao into exile. Among those refugees were most of the educated elite. Laos accelerated its economic reform efforts in 1988 and 1989. These reforms are designed to stimulate domestic and foreign investment and to improve the efficiency of state-owned enterprises. Laos has also opened its economy to Thai and Western businessmen. Although the economy is improving as a result of these reforms and the ability of many citizens to participate in an emerging private or mixed state/private sector, the average standard of living remains extremely low.

Although difficult for outside observers to judge accurately, the human rights situation appeared to have improved in 1989. Freedom of movement within the country and travel abroad has increased, and the instruments of state control, principally the police and other elements of the Ministry of Interior, seemed to be less evident and perhaps less oppressive. Nevertheless, there continue to be severe limitations on freedom of speech and press and on freedom of assembly and association. Most reeducation camps have been closed and the bulk of the prisoners released. An unknown number of inmates, but at least 34, are entering their 14th year of incarceration, without benefit of judicial trial or legal review for release. Many former camp prisoners apparently have been able to obtain work; some of them now have responsible, professional positions both with the Government of Laos and with international organizations present in Vientiane. Some, however, appear to be blacklisted and able to find only menial positions. These persons seem to be able

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to obtain passports and visas as freely as any other Lao and have been able to travel overseas, despite the fact that some have not returned.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There are sporadic reports of shooting incidents involving organized groups leaving or entering Laos illegally. At least one group of Hmong tribesmen leaving Laos for Thailand was reported to have been pushed back and then suffered casualties from LPDR forces. In addition, in August the Government claimed to have intercepted and killed or captured in southern Laos over 60 armed Vietnamese hostile to the Hanoi Government who had intended to reenter Vietnam. There are occasional reports that government patrols have fatally shot persons leaving or entering Laos illegally. In those instances in which the Government confirms such incidents, it generally claims that the persons were smugglers or members of the resistance. An unknown but small number of people are killed annually in military operations against resistance forces. Many of the insurgents appear to be former Royal Lao Army troops and Hmong tribesmen. Both sides are reported to use brutal tactics, with antigovernment forces attempting assassination and ambush of government military and civilian personnel. There are also recurrent reports of attacks by bandit groups in isolated or interior areas on vehicles bearing government officials and on civilian buses. Official policy calls for the execution of resistance leaders, but no such executions were reported in 1989.

b. Disappearance

No disappearances were reported in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A relatively small number of "reeducation" prisoners continue to be held in harsh conditions but recent details are not available. The police do not appear to use torture or degrading or cruel treatment during arrest or detention, although prison conditions are stark.

d. Arbitrary Arrest, Detention, or Exile

The Government continues to maintain reeducation camps, or "seminar camps," in which persons who served the Royal Lao Government, or who have offended the current government, are imprisoned. Even rough estimates for the population of these camps are difficult to make, but range from a minimum of 34 political detainees left from the original population of Royal Lao Government officials to over 1,000. The higher number allegedly includes the original 34 plus many who were imprisoned during the late 1970's and the 1980's. Government officials continued to claim, as they had previously, that nearly all soldiers and officials sent to the camps in 1975-76 had been released and that very few remained. The accuracy of that statement cannot be verified. There were reports of releases of groups of up to 300 persons in 1988. There were reports of additional, substantial releases of camp prisoners

in 1989, but firm numbers were not available. Since 1979 conditions in the remaining camps reportedly have improved, and the majority of the camps have been reported closed. The Government claims that all reeducation camps have been closed. However, this claim has not been verified.

Remaining detainees now live in a kind of internal exile in isolated provincial areas with severe restrictions on their freedom of movement. Many reportedly have been assigned to collective farms or construction units inside their former camps. Some are on probation or cannot obtain necessary travel documents. Others who have lost property and families are reported to have remained in areas near the camps to begin new lives.

Those accused of hostility to the regime or of what the Government calls "socially undesirable habits," such as prostitution, drug abuse, idleness, and "wrong thought," are sent to "rehabilitation" centers, usually without trial. Most of these persons have been allowed to return to their homes after periods ranging from a few months to several years of hard labor, political indoctrination, and admission of guilt.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A criminal code and laws establishing a judiciary were enacted in November 1989 by the Supreme People's Assembly, although they had not taken effect or been published by year's end. It is not known what changes these laws may make to Lao legal procedures. At present the courts are not independent and there is no guarantee of due process. Prior to the recently passed criminal code, the Government had promulgated interim rules and regulations for the arrest and trial of those accused of specific crimes, including armed resistance to the Government. Although the regulations allow an accused person to make a statement presenting his or her side of the case, they provide no real opportunity for the accused to defend himself and do not permit bail or use of a freely chosen attorney. Rather, the Government has issued instructions on how to investigate, prosecute, and punish wrongdoers. These instructions are applied capriciously and inconsistently. People can be arrested on unsupported accusations and without being informed of the charges or the accusers' identities. Investigations often take a long time unless family members and friends take a strong interest in the cases. Government officials and their families easily can influence judgments. There is some provision for appeal, although important political cases tried by "people's courts" are without an appeals process. Death sentences must be approved by the Council of Ministers. Regulations call for judgment to be given in public. This generally amounts to a public announcement of the sentence and not a true public trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There appears to have been some relaxation of state control by the police and security elements. Knowledgeable observers report seeing fewer obvious signs of monitoring and control of citizens. However, search and seizure continue to be authorized by the security bureaus themselves rather than by judicial authority, and government regulations, which are not always followed, provide little protection. International and

domestic mail is selectively opened. Mail from China and non-Communist countries is particularly suspect. Telephone calls are frequently monitored. Privately owned land may not be sold but may be inherited. Inheritances cannot be passed on to relatives who have left the country as refugees and acquired other nationalities.

The Government continues to try to monitor some aspects of family and work life through a system of neighborhood and workplace informants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Public expression of opposition to the Party and State is not permitted, and participants in such activity have been jailed. Newspapers and the state radio are instruments of the Government, reflecting only its views. Ordinary citizens may not import foreign newsmagazines or books; censorship is strict.

The Government makes no attempt to stop citizens from listening to foreign radio stations such as the Voice of America, nor from setting up antennas to receive Thai television.

Academic freedom does not exist.

b. Freedom of Peaceful Assembly and Association

The Government controls all meetings and, except for religious, athletic, and communal events, organizes them. Persons do not have the right to promote nonregime-sponsored activities nor to protest government policies. All associations--such as those for youth, women, workers, and a "peace organization"--are officially authorized to exercise government control and disseminate government policy. The LPRP organizes all professional groups, and their leadership is ordinarily drawn from party ranks. Associations are permitted to maintain relations with like-minded, politically acceptable organizations in other countries, particularly those in Communist countries. Ordinary Lao citizens are able to meet with foreigners only in unusual circumstances, usually involving their work. Nevertheless, contact with foreigners is increasing.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Nearly all Lao are Buddhists or, in the case of most highland groups, animists. In official statements, the Government has recognized the right to free exercise of religious belief as well as the contributions religion can make to the development of the country.

Many Lao believe, however, that the Government is engaged in a long-term effort to subvert religion because it considers the maintenance of temples and the activities of monks non-productive and because it objects to active groups with independent beliefs. This effort includes carefully controlling the education of young monks and compelling Buddhist clergy to propagate elements of Marxist-Leninist

doctrine. Further, since 1975 the Government periodically has taken over Buddhist and Christian places of worship for use as schools, offices, and fire and police stations, as well as for political indoctrination centers and warehouses. Nonetheless, since the Third Party Congress in 1982, the Government has eased its stand on Buddhism. While it has not, so far as is known, contributed to the restoration of temples and religious institutions, it has not opposed efforts of the faithful to do so, and both restoration and new building are now widely evident.

Monks remain the only social group still entitled to special honorific terms of address, which even high party and government officials continue to use. Buddhist clergy are prominently featured at important state and party functions. Religious festivals are permitted without hindrance. The Government does not object to the Lao custom of young people entering religious orders for short periods.

Links may be maintained with coreligionists and religious associations in other countries, usually other Communist countries, only when approved by the Government. Most traditional links to Thai religious sects have been severed. Missionaries are not formally banned from entering Laos to proselytize, but in most cases they are denied permission. Despite the overall government attitude, many high party officials still participate in religious ceremonies.

Roman Catholics and Protestants are permitted to worship, but the activities of their churches are closely monitored. Vatican officials visited in 1987 to meet with the Bishop of Vientiane, as well as with local church and government officials. Attendance at Christian services continues to require discretion, although less so in 1989 than in 1988. The Government tries through the media and other means to persuade highland minority groups to abandon their "old-fashioned" animist beliefs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens must obtain permission from the authorities for internal travel. Non-Lao residents in Vientiane must obtain permission to travel outside the city. Permission is now much easier to obtain than before, but is not necessarily automatic. Government officials have cited threats of "disorders" created by "reactionary elements" as the reason for the restrictions.

Foreign travel is increasingly permitted for officials, students, and others who have family abroad or access to foreign exchange. Most students continue to study in the Communist countries, but the number of students going to the West for higher education, although still small, has increased dramatically. Passports and exit visas have become much easier to obtain. The number of the relatively few travelers to the West and to the United States has increased sharply. Border crossing permits are available for those with business in Thailand. The number of permits increased in 1989, in keeping with the opening of additional border trade locations and the reduction in the number of items restricted by the Thai Government for trade with Laos. The permits are not, however, granted automatically and may be denied arbitrarily.

Legal emigration is rarely authorized for ethnic Lao. To guard against emigration, those permitted to travel must often

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Legal emigration is rarely authorized for ethnic Lao. To guard against emigration, those permitted to travel must often

leave their families behind as a guarantee of their return. Since 1975, 343,000 Lao citizens have registered as refugees in Thailand. An unknown number have crossed the border and simply settled with relatives or kindred ethnic groups. Some of those fleeing are fired upon and killed by border patrols as they attempt to cross the Mekong River. Government authorities have imprisoned many persons seeking to leave the country illegally.

Laos and Thailand have agreed to take back, on a case-by-case basis, those of their respective citizens who have illegally crossed into the other country and now wish to return home. Since May 1980, when agreement was reached with Thailand and the United Nations High Commissioner for Refugees (UNHCR) on a voluntary repatriation program, over 4,675 persons have voluntarily returned to Laos under the auspices of the UNHCR. Those accepted for return receive several days of political indoctrination and then are released to return to their homes, where they are placed under the control of village authorities. The UNHCR provides basic necessities for the returnees and monitors their treatment and living conditions thereafter. There appears to be no official harassment or maltreatment of these voluntary returnees, and UNHCR officials have not been prevented from visiting them. In addition, perhaps as many as 10,000 persons have repatriated themselves without official involvement.

The Government has also agreed in principle to take back Lao citizens in Thailand whom the Thai have determined do not meet refugee status criteria. Procedures for the return of these persons were worked out between the two countries in late 1986, and since that time 164 have been returned. Those in Vientiane who follow refugee matters closely report that there is no perceptible difference in the way the Government treats those returnees who were screened out and those who returned voluntarily.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The LPRP fully controls the Government. The LPRP is run by a small elite who also occupy many of the principal government posts. There is neither freedom to participate in politics outside the party nor popular choice of policies. The new National Assembly elected in March includes a number of assemblymen who are not formally LPRP members, although their candidacies were approved by the party. Some 121 candidates ran for a total of 79 seats, and each electoral district had more candidates than seats. This election followed elections for district and provincial officials in 1988. No other parties were permitted to organize and voting was mandatory. These elections, the first held since the LPDR was formed in 1975, represent an effort by the LPRP to legitimize the Government and may represent some political liberalization. The new National Assembly is expected to finish writing a constitution in 1990 which may then be approved by a plebiscite. This new constitution would serve as a framework for the criminal code and laws establishing a judiciary and would also serve as a basis for additional laws.

LAOS

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Laos generally does not cooperate with private international human rights organizations. However, it does occasionally permit visits by officials of international humanitarian organizations and has communicated with them by letters. No domestic human rights monitoring groups are permitted.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Approximately half of the population in Laos is ethnic Lao; also called "lowland Lao;" 20 percent are tribal Thai; 15 percent are Phoutheung (or Kha); and another 15 percent are other highland groups (Hmong, Yao, and others). The Government is attempting to integrate these groups through voluntary programs and to overcome traditional antagonisms between lowland Lao and minority groups. Although the LPRP and the Government are dominated by lowland Lao, efforts have been made to include minorities in the political and governmental elites. For instance, 43 of the 121 candidates for the National Assembly were from minority groups.

The Hmong are split along clan lines. During the years of insurgency, many were strongly anti-Communist; others sided with the Communist Pathet Lao and the Vietnamese. The Government represses all groups that fought against it, especially those continuing to resist its authority by force. The Hmong tried to defend some of their tribal areas after 1975, and some continue to support anti-LPDR resistance groups. Lao armed forces conduct operations against resistance groups.

The Government wants to resettle in the lowlands some ethnic minorities from mountainous areas. After resettlement they would be under closer government control and engage in settled agricultural production rather than the present slash-and-burn techniques. For this purpose, the Government has reportedly relied on a voluntary program based on material inducements and has begun several large-scale projects with foreign donors.

Local ethnic Chinese have encountered government suspicion and surveillance since 1979 when Sino-Lao relations deteriorated seriously. This has abated, however, since relations between Laos and the People's Republic of China were normalized in 1988. A majority of the Chinese community departed in the post-1975 period, largely for economic reasons. Those who remain have maintained government-approved Chinese schools in Vientiane and Savannakhet and Chinese associations in several provincial capitals.

Traditionally, women in Lao society have been subservient to men and often discouraged from obtaining an education. Today the active, government-controlled Lao Women's Federation has as one of its goals the achievement of equal rights for women. The Government claims that a higher percentage of women make up the school population now than before 1975, and that women are being encouraged to assume a greater role in economic and state-controlled political activity.

There is no pattern of widespread domestic or culturally approved violence against women. Both lowland Lao and hill tribes tend to hold women in lower esteem than men.

LAOS

Section 6 Worker Rights

a. The Right of Association

The overwhelming majority of workers are employed by the State, and they are very poorly paid. Labor laws do not exist. Labor unions exist but are small and have no right to strike. All unions are controlled by the Federation of Lao Trade Unions, which in turn is controlled by the LPRP. The Federation is a member of the Communist-controlled World Federation of Trade Unions.

The LPDR is a member of the International Labor Organization (ILO), but has not ratified ILO Conventions 87 on freedom of association, 98 on the right to organize and bargain collectively, or any other conventions related to the worker rights covered in this report. In its 1989 report, the ILO Committee of Experts cited the LPDR for failing to respond to its requests for information concerning pending complaints.

b. The Right to Organize and Bargain Collectively

Unions play no discernible role in ameliorating the low salaries and wages, for instance, of public employees, the largest single category of employment. Under the foreign investment code published in 1988, some worker rights are guaranteed, such as the right to have job responsibilities defined, to be paid for that job and not another, to be paid more for overtime, and for overtime to be approved by the authorities as well as by the investor. There are no economic incentive zones or special industries where labor standards differ from those elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor

While there is no published code of laws concerning protection from forced labor, there is no general pattern of forced labor in Laos. Prisoners in reeducation camps, or in prison camps (the former for "ideological" crimes, the latter for "economic" or "social" offenses) are expected to do hard labor. In addition, there are reports that some of these prisoners, when released, are restricted to the general area of the camp (always in rugged and mountainous terrain) and expected to work there on state enterprises.

d. Minimum Age for Employment of Children

There is no minimum age for employment of children. In practice children in this rural economy commonly assist in the work of their families.

e. Acceptable Conditions of Work

Workplace conditions are not systematically exploitative, but they sometimes fail to protect workers adequately against sickness or accident. There is no specific system of laws or regulations relating to worker safety. Working hours do not exceed 48 hours a week, except during urgent roadbuilding or construction projects. It is unclear whether such urgent labor is compulsory. There is no minimum wage legislation; wages are low, particularly in the state sector and are, in fact, not sufficient to live on unless supplemented by other sources of income. Some workers receive paid 2-week vacations.

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GENERAL ASSEMBLY
Forty-fifth session
Items 92, 94, 100, 103, 104, 109
and 112 of the preliminary list*
EFFECTIVE IMPLEMENTATION OF
UNITED NATIONS INSTRUMENTS ON
HUMAN RIGHTS AND EFFECTIVE
FUNCTIONING OF BODIES ESTABLISHED
PURSUANT TO SUCH INSTRUMENTS
ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION
IMPLEMENTATION OF THE CONVENTION
ON THE RIGHTS OF THE CHILD
CRIME PREVENTION AND CRIMINAL
JUSTICE
ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN
ELIMINATION OF ALL FORMS OF
RELIGIOUS INTOLERANCE
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT

SECURITY COUNCIL
Forty-fifth year

Letter dated 18 April 1990 from the Chargé d'affaires a.i.
of the Permanent Mission of Israel to the United Nations
addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Pakistan. I have underlined passages of special relevance (see annex).

* A/45/50.

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 94, 100, 103, 104, 109 and 112 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

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* Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.

PAKISTAN

The political landscape in Pakistan changed drastically in 1988 with the death of President Zia and the orderly transition to representative government under Prime Minister Benazir Bhutto, whose Pakistan Peoples Party (PPP) won a plurality in the 1988 National Assembly elections, considered by many observers the fairest and most orderly in the nation's history. Pakistan's efforts to develop democratic institutions have been hampered by differing interpretations of constitutional authority and responsibility, both within the Federal Government and between the federal and provincial governments, as well as by intense competition between the government party and a strong opposition alliance. During 1989 the crucial constitutional question under debate on the federal level involved a disagreement over the powers of the President and Prime Minister, caused in part by the previous government's changes in the Constitution. The military has continued to speak out in support of Pakistan's emerging democracy.

The relationship between the Federal Government and the provincial governments of Punjab and Balochistan, whose provincial assemblies are controlled by opposition parties, adds a further complication. Political acrimony has brought to a virtual halt progress on implementing needed social welfare and economic reform programs in these provinces. It has also encouraged ethnic tensions and weakened both law and order and orderly administration, with a negative impact on the human rights situation.

Responsibility for internal security rests primarily with the police, although the army is called upon on occasion to restore order during civil disturbances. Paramilitary forces also operate in frontier areas and help maintain law and order. Police forces are under provincial control.

The public sector share in Pakistani industry has diminished in recent years, and by 1988 private sector investment accounted for 83 percent of total investment in the manufacturing sector. In December 1988, Pakistan adopted a 3-year structural adjustment program with the International Monetary Fund (IMF) which may help Pakistan reduce its deficit and commit more resources for social development programs, although it also imposes rigorous austerity measures, such as price rises for electricity and gas.

The Bhutto Government has made progress in some aspects of human rights, although problem areas remain. The review of martial law cases and the release of political prisoners has been largely completed. Most travel restrictions have been lifted, and Pakistanis no longer need government permission to travel abroad. The appointment of a substantial number of former human rights activists to high-level government positions has invigorated debate and focused attention on some human rights issues and human rights groups report they have greater access to officials and to the media than before.

In other areas, however, human rights abuses continued. Kidnapings and random violence continued in the southern province of Sindh and the tribal areas in the northwest. Government forces at times violated individual rights and used excessive force in efforts to combat banditry and reestablish law and order. There were repeated incidents of ethnic violence, especially in Karachi and Hyderabad. Widespread

police abuse of prisoners and the failure of authorities to bring to trial and punish personnel who commit such abuses remained a significant problem. Arbitrary arrest and detention of prisoners were also issues of concern. Religious minorities such as Ahmadis, Christians, and Hindus still faced discrimination and were the objects of harassment, and both social and legal constraints continued to place women in a subordinate position in society. Significant restraints also remained on worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There was no evidence of government or government-instigated political killings, but extrajudicial killings, usually from physical abuse of prisoners and detainees by police, continued largely unchecked and unpunished (see Section 1.c.).

Ethnic clashes have continued to result in one form of political killing. Violence between rival ethnic political parties and organizations, especially in Sindh province, was a growing concern as frequent outbreaks of violence between Sindhi, Mohajir, Punjabi, and Pakhtun groups left scores dead. Armed clashes between the student wings of rival political and ethnic groups led to deaths on several occasions. Because of the random and often spontaneous nature of these incidents, and the political connections of many of the perpetrators, authorities have had little success in preventing this type of violence, and the perpetrators have largely gone unpunished.

b. Disappearance

There were no reports of government-instigated disappearances. Kidnapings by highwaymen of prominent persons occur regularly in rural Sindh, usually for ransom. Incidents of kidnaping for ransom have also occurred in urban Sindh, and recently increased in the city of Karachi. Most of the victims were eventually released unharmed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Police beatings and torture of arrestees are common; in its 1989 Report, covering 1988, Amnesty International (AI) noted that at least 19 prisoners were reported to have died in custody as a result of torture. Beating, whipping the soles of the feet with rubber whips, sexual assault, and prolonged isolation are said to be common occurrences in Pakistani jails. When deaths have occurred, allegations of suicide are used by police to cover up evidence of torture. There havebeen persistent and credible allegations in the press and from other observers that some ethnic and political parties have tortured political opponents, and, in some cases, used torture to enforce party discipline among their own members. The groups alleged to have used torture have publicly denied such allegations, and have claimed that the charges are politically motivated.

The Government (whether Federal or provincial) rarely holds police accountable for abuses. Police and jailers use "third

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degree" methods to obtain information and confessions and frequently employ the threat of abuse to extort money from prisoners and their families. In August a young man in Lahore died in detention, allegedly after being tortured by police. The press has also reported several instances of the deaths of prisoners under police detention in Karachi. A recent survey alleged that 43 percent of the women imprisoned in the Multan jail reported being sexually abused by prison authorities. The federal Ministry of Interior in 1989 established an office to monitor instances of arbitrary arrest, brutality, and extortion within the police forces; by year's end, the office had been established, and, according to the Ministry of Interior, had accepted and begun to investigate dozens of cases.

The Hadood Ordinances, promulgated in 1979, apply to Muslims and non-Muslims alike but appear to weigh most heavily on women and carry harsh punishment for actions deemed contrary to Islamic law. Extended imprisonment is the most common punishment. Two-thirds of the 99 women held in Karachi central jail in August 1989 were imprisoned under these ordinances. Some 60 poor women, many with minor children, were held in Lahore's Kot Lakhpat prison for alleged violation of the Ordinances. In June the Sindh high court stayed the executions by stoning of six people convicted under the Ordinances. The federal Shari'a (Islamic) Court accepted an appeal by two teachers convicted of adultery and sentenced to death by stoning. No punishments involving stoning, flogging, or amputation have been carried out under the Ordinances, but these laws remain in effect. Frequently, under the Ordinances, women who complain of rape find themselves arrested on charges of adultery.

Among the three classes of prison facilities that exist, Class "C" cells, which generally hold common criminals, suspected terrorists, and low-level political workers, are the worst. They usually have dirt floors, no furnishings, and poor quality food, and the use of handcuffs and fetters is common. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. Conditions in "B" and "A" cells are markedly better, with the latter reserved for "prominent" persons. Although increased attention is being focused on improving the worst jail conditions, there has been little real progress.

d. Arbitrary Arrest, Detention, or Exile

Pakistani law permits detention of persons suspected of threatening public order and safety for 30 days under court order. Such court orders are renewable for 30 days at a time, up to a total of 90 days, if the Government can demonstrate that the detainee does in fact threaten public safety. According to the law, detainees must be informed expeditiously of the reason for their detention. Most detainees are released fairly quickly, but only after the situation which prompted the preventive detention has passed. In September the Government promulgated an ordinance which denies bail to those arrested for terrorist activities if sufficient grounds exist to believe the accused is guilty of the crime.

Former detainees claim that prisoners under preventive detention frequently are held incommunicado. In July federal authorities detained former provincial chief minister and opposition figure Fazle Haq without charge. His continued detention has led to charges of official harassment of

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political opponents. At the same time, Punjab authorities arrested a pro-PPP activist for allegedly having delivered an inflammatory speech in January. He has been released on bail. The federal and particularly the Punjab authorities have harassed their political opponents by filing criminal charges of dubious credibility against them, obliging them to seek bail.

There have been repeated allegations of arbitrary arrests during attempts to quell communal violence. The majority of persons detained in such operations are released in a matter of hours or 1 or 2 days.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trail

The civil judicial system, modeled after the British system, provides for an open trial, cross-examination, representation by an attorney, and appeal of sentences. The court will appoint an attorney for indigents in capital cases.

The pace of justice is slow due to the limited number of judges, the heavy backlog of cases, and outdated court procedures. The political impasse between the Federal and Punjab Governments has blocked appointment of judges in that province to succeed those who have retired or died. Over a quarter of the seats on the Lahore High Court are vacant, while scores of positions in the lower magistracy remain unfilled. These vacancies inevitably further delay the judicial process. Karachi human rights activists believe there are dozens of people awaiting prosecution in Sindh jails who have been held for periods longer than the sentence they would receive if convicted. Prison authorities allowed greater access to legal counsel to see prisoners and clients during 1989.

The special Shari'a (Islamic) courts operate in a manner similar to ordinary civilian courts. They try offenses relating to the enforcement of the Hadood Ordinances and also rule on whether laws are offensive to Islam. Cases referred to the Shari'a courts are heard jointly by Islamic scholars and judges from the civilian court system who usually employ ordinary criminal procedures. Both judges and attorneys must be Muslim and be familiar with Islamic law, although non-Muslims have been brought before the Shari'a courts. Defendants in the Shari'a courts are entitled to bail and lawyers of their choice.

Before martial law was lifted in 1985, the Parliament passed the Eighth Amendment to the Constitution which withdrew from the civilian judiciary the right to review the actions of martial law authorities and courts. Under the Eighth Amendment, only those sentenced to death by martial law courts may petition to have their cases reviewed by the President; all others must appeal to a provincial governor. In 1988 the Supreme Court allowed limited categories of people convicted under martial law courts to apply for review of their cases. Estimates of martial law prisoners still in detention vary from 15 to 200. Currently, martial law prisoners or their representatives have two avenues for review. The first avenue is to apply to have their cases considered by a special office in the President's Secretariat. The second avenue is to have their original cases reviewed by the ordinary civilian courts. The constitutionality of the procedures under which

the Eighth Amendment was passed is currently being adjudicated before the Sindh and Balochistan High Courts.

In 1987 the Government established special courts to provide speedy trials in cases involving "offenses sensational in character or shocking to public morality, creating panic, or an atmosphere of fear and anxiety among the public." Cases involving bomb blasts, sabotage, highway robberies, banditry, or kidnaping can be expedited through these courts, and the Government may transfer cases from any other court to a special court.

Critics, including many lawyers, have expressed several concerns about the special courts. First, the accused is hampered from preparing an adequate defense and calling witnesses because of the short time allocated before the trial (usually a matter of a few days). Second, they believe that the judges in these courts are predisposed to find defendants guilty, given the high political profile of the proceedings. Third, the decision to refer a case to this system is an arbitrary one, made by the senior levels of the provincial government. The criteria for deciding which cases can be tried under these courts is broad enough to enable provincial authorities to abuse the system. Government officials argue that the courts are necessary to circumvent the judicial backlog; that all requirements of the rules of evidence still apply, including the right to counsel; and that the judges must meet the same standard as those appointed to a high court. They note that decisions may be appealed to the Supreme Court.

In September the Lahore High Court ruled that the speedy trial courts were illegal and closed them in Punjab province on the grounds that the original 1987 act had expired in early 1989 and that the provincial government had failed to extend it. Speedy trial courts continue to exist and operate in the Sindh.

Appeals of the 1986 death sentences against four Ahmadi defendants, whose convictions in 1985 by martial law courts in two separate murder cases raised serious human rights questions, are still pending. The death sentences themselves, however, have been commuted to life imprisonment as a result of the amnesty measures taken by the Bhutto Government in December 1988.

In December 1988 and January 1989, the new Government announced a major prisoner release program for martial law and political prisoners. Although thousands benefited from the program, some groups criticized the Government's review procedures which allegedly freed a number of hardened criminals but left members of opposition parties and members of minority religious groups behind bars. Estimates vary on the number of political prisoners who remain in custody.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decisions about occupation, education, place of residence, and family size are made without official interference. Although police are required by law to obtain a warrant before entering a private home, authorities frequently ignore such legal requirements. During bandit sweeps and riots, police often chase suspects into homes without pausing to ensure the presence of a magistrate as required by law. There have been repeated allegations of incidents involving the use of

excessive force in Sindh during attempts to quell ethnic violence. There are frequent charges that women throughout the country have been harassed and raped and their belongings stolen by individual officers. Although press and public attention to such incidents has increased, the Government has been slow to respond to or investigate such charges and to deal with problems of police indiscipline. Extortion and robbery by policemen are believed to be common.

Pakistan maintains several domestic intelligence services which monitor political activists, suspected terrorists, and suspected foreign intelligence agents. Informed sources maintain that wiretapping is used against opposition politicians and that their mail is occasionally intercepted and opened, and they are frequently under surveillance. Civil and military officials are instructed to report their contacts with foreign diplomats.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Persistent ethnic divisions in the province of Sindh have led to incidents of communal violence in which persons belonging to one ethnic group have been killed in indiscriminate attacks by rival groups. There have been repeated allegations, which are difficult to verify, that law enforcement agencies have caused the deaths of innocent persons while attempting to bring communal violence under control or while standing by and refusing to intervene.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government owns and operates the radio and television stations and strictly controls the news they carry. A government-owned press trust controls four of the larger newspapers. The Government has yet to act on its campaign promise to disband the press trust, but has announced the establishment of separate management boards to run each of its publications. In addition, one of the two wire services is under the control of the Ministry of Information. Other newspapers are privately owned and their circulation far exceeds that of the government-owned papers.

The government newspapers and wire services are circumspect in their coverage of the news. Early in the year, there was an increase in coverage of the opposition in the official media, but that trend has fallen off in recent months, and the government-controlled media have again been restricting and distorting opposition news. Laws against bringing Islam or the armed forces into discredit or ridicule remain in force; reporters and editors exercise self-censorship in these areas. Continuing a trend begun in 1985, there is relatively free discussion of government policies and criticism of the Government, especially in the privately owned newspapers. Besides more or less unfettered reporting of statements made by legislators, the private press routinely reports remarks critical of the Government made by opposition politicians. The Government has suspended advertisements, an important source of revenue, in Markaz and in the Observer, newspapers often critical of the PPP. The Observer's editor was charged in July with violating the Official Secrets Act (a law left over from the British colonial era) in his book on Pakistan's nuclear program. Although the Government has denied that the

arrest was related to the newspaper's policies, most papers carried editorials condemning the action as giving the appearance of restricting freedom of the press. Members of the Council of Pakistan Newspaper Editors believe the action was a result of the Observer's constant criticism of government policies. Although government officials are no longer calling editors to demand the inclusion or exclusion of particular stories, they are still giving editors "advice" on certain stories, which is generally followed.

The Government was also criticized in August for advising the press that any reporting on cabinet meetings other than the official report provided by the Government would be evaluated in the light of the Official Secrets Act. At the same time, the Prime Minister reminded the media of Article 6 of the 1973 Constitution which provides for the death penalty for those who damage the Constitution by any act, including publication of statements against the spirit of the Constitution. This apparently has stopped the publication of statements against the Constitution.

The actions of some political and religious pressure groups pose another danger to press freedom in Pakistan. In early 1989, the office of the daily Markaz was burned, allegedly by political party workers. Also, a political party in Sindh called a 1-day boycott of the largest circulation daily newspaper in Karachi. During the boycott, people were forcibly prevented from purchasing the paper, and its journalists and editors were threatened.

A restrictive Press and Publication ordinance, promulgated in 1963, was repealed in September 1988. Although the ordinance had not been used in the past few years, it was widely viewed by the press as being arbitrary and giving the Government sweeping powers over the press. It was replaced by a Printing Press and Publications ordinance which requires the registration of printing presses and newspapers and which also allows the Government to confiscate newspapers or magazines deemed objectionable. In a departure from past practice, the new law allows newspapers to appeal to the civil courts and allows individuals to start issuing new publications without approval if the Government fails to act on their application within 4 months.

The National Assembly enacted a new press act in 1989 which allows journalists access to all federal and provincial government files, except "highly sensitive defense files." Under this act publication permits are still required but can be obtained at the local level.

Academic freedom is generally recognized by government and university authorities, but almost all institutions of higher learning are state run, and authorities have extensive powers to restrict the actions of individuals and groups regarded as troublesome. Another threat to academic freedom is the atmosphere of violence and intolerance among student organizations, frequently with connections to the major political parties. At many universities, well-armed groups of students of varying political persuasions clash frequently and are successful in intimidating other students, instructors, and administrators on matters of language, syllabus, examination policies, doctrine, and dress.

Student unions were legalized again in early 1989 by Prime Minister Bhutto and held elections in the Punjab in the

spring; student groups in other provinces are planning elections.

Literary and creative works remain generally free of censorship, but authors and publishers tend to avoid controversial and political themes. Obscene literature, a category which is broadly interpreted by the Government, is subject to seizure. Authorities have frequently banned or confiscated books and magazines dealing with sensitive political topics. The Government in 1988 banned "The Satanic Verses" by Salman Rushdie, a book which raised the ire of Muslims worldwide. In August the Government arrested, and later released, the author of a book on the development of Pakistan's nuclear program, and the book has been banned in two provinces. In speeches throughout the country, senior officials reiterated the Government's intention to prosecute anyone violating the Official Secrets Act. Dramas and documentaries on once taboo subjects, such as narcotics and female inequality, are now shown frequently on Pakistani television.

b. Freedom of Peaceful Assembly and Association

The Government continued to respect the right of peaceful assembly in most cases, although district magistrates exercised their power to ban meetings of more than four people whenever violent demonstrations seemed in the offing. Political leaders of all persuasions were usually able to travel freely and address large rallies, often emphasizing antigovernment themes. In February a demonstration in Islamabad against "The Satanic Verses," sponsored by a coalition of religious parties, turned violent. Seven people were killed and the American Center was attacked. The opposition coalition of parties, Islami Jamhuri Ittihad (IJI), held large rallies in Islamabad and Peshawar in August. Despite these examples, regulations preventing demonstrations are regularly invoked in Sindh Province during times of ethnic tension. The Sindh National Alliance was prohibited from holding a rally at the Provincial Assembly and the Mohajir Qaumi Movement (MQM) was prevented from demonstrating at the Chief Minister's house. To forestall potential violence between religious groups, the authorities prevented clergymen from traveling to certain areas during the religious month of Muharram. Afghan refugees were prevented from attending a large memorial service held in Islamabad on the anniversary of President Zia's death.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Pakistan is an Islamic republic with a population that is 97 percent Muslim. Its 1973 Constitution requires all law to be consistent with Islamic ideology. Under the Constitution, the President and Prime Minister must be Muslims. However, designated minority religious groups--for example, Ahmadis, Christians, and Parsis--have held high office and are represented in the economic, political, and social life of the country. The PPP Government has appointed several Ahmadis to high government posts. These minorities are not permitted to vote in Muslim constituencies, but rather must seek office and cast their ballots in at-large constituencies reserved for them in the national and provincial assemblies, an arrangement widely criticized by minority and human rights groups.

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(Ahmadis, disputing their minority status and their designation as non-Muslims, have refused to exercise these electoral options.) Although by law Hadood Ordinances are applicable only to Muslims, minorities, especially Christians and Hindus, complain that the Hadood Ordinances are also applied to non-Muslims, making family matters, such as divorce, more difficult.

Generally, minorities can practice their own religion openly, maintain links with their coreligionists in other countries, and travel for religious purposes. Foreign clergy may enter the country to serve congregations. Conversions are permitted, but the Government prohibits proselytizing among Muslims and has refused to renew the residence permits of some foreign missionaries who have ignored this ban. In November nine Ahmadi doctors were arrested and charged with proselytizing while providing health care services.

The Ahmadi sect, which considers itself Muslim despite theological divergences from mainstream Islam, has historically been the object of popular prejudice and discrimination. Anti-Ahmadi riots in 1953 helped spark the imposition of Pakistan's first period of martial law. Following another outbreak of violence, in 1974 Prime Minister Zulfikar Ali Bhutto, with the support of all political parties, sponsored a constitutional amendment declaring the Ahmadis a non-Muslim minority. In 1984 the Government issued an ordinance which restricts the practice of the Ahmadi religion and bans the Ahmadis from using Muslim terminology or proselytizing. Violators are subject to prosecution. In 1986 Parliament passed legislation, apparently aimed at Ahmadis, making blaspheming the Prophet Muhammad a capital offense.

Many members of the Ahmadi sect were detained for displaying the Kalima, the Islamic profession of faith, and other Koranic verses. Most were released, but several were tried, convicted, and received prison sentences. Police removed the profession of faith from Ahmadi places of worship, which cannot be called mosques under Pakistani law. Several places of worship have been closed down. In March the Government forbade public celebration of the Ahmadis' 100th anniversary. Ahmadis charge that fundamentalist Muslim leaders have been effective in keeping Ahmadis in a position of second-class citizens. In April, during anti-Ahmadi riots in Nankana Sahib in Punjab, 15 Ahmadis were injured, and 50 houses and 3 places of worship were burned. In July Ahmadi-Orthodox tension turned violent in Chak Sikander in Punjab, leaving 4 dead including 3 Ahmadis, and dozens of homes destroyed. Police occupied the village to maintain order, and some Ahmadis have been prevented from returning to their residences since the initial incident. A Pakistani human rights group investigated both incidents and concluded that local authorities failed to protect Ahmadi citizens and that the Punjab provincial government failed to investigate or take action against those authorities. To date, there still have been no official inquiries into the incidents. The Ahmadis were prohibited from holding their centenary celebration in April in Punjab Province, and there are credible reports of discrimination which limits the promotion possibilities for Ahmadis in the military and civil service. There have been reports of the forced conversion of female members of the Ahmadi sect. The major Ahmadi newspaper, banned for 3 years, resumed publication in March. In December the entire population of Rabwah, the Ahmadis' headquarters city, was charged in a complaint lodged with police with having violated Ordinance 20.

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This law establishes as criminal certain acts of the Muslim faith when performed by Ahmadis, including the declaration of faith. By the end of the year, 16 prominent Ahmadis had been arrested and incarcerated on such charges.

Christians have had difficulty in getting permission to build new churches, although the Government reached a compromise in August with a congregation in Islamabad whose church construction had been halted for several years. Members of the Christian community complain that there are barriers to Christians rising to high positions in public service, public corporations, universities, and the military. Many Christians fill low-level jobs, such as in sanitation work and in similar municipal services. Some Christians work as bonded laborers in the brick kiln industry.

Hindus complain of continued kidnapings and forced conversions of young women, confiscation of Hindu shrines and temples, disruption of prayer services, and the burning of Hindu texts, as well as the torture of detained Hindus. In June a Hindu doctor was killed in Larkana, and four Hindus were murdered in rural Sindh while worshiping at a Hindu temple. No arrest has been made in the case of the killing of the doctor. One person was arrested and detained for 1 month before being released on bail in the case of the temple murders. At year's end the case had not yet come to trial.

Some observers believe the Government's reticence in looking into incidents involving discrimination against minorities is a reflection of its fear of offending fundamentalist Muslims who wield substantial influence over their coreligionists.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Pakistanis generally have freedom of movement within the country. Previous governments banned individual political leaders from traveling to certain provinces for a specified time through use of an "externment" notice. The only externment notice issued in 1989 by a provincial government prevented some Shi'a and Sunni clergy from entering certain areas during the Islamic holy month of Muharram; it was quickly rescinded.

Pakistanis are generally free to travel abroad. Travel to Israel, which is not recognized by the Pakistan Government, is legally prohibited, but Pakistanis nevertheless succeed in traveling to Jerusalem for religious reasons. There are various restrictions on travel to the Soviet Union, India, South Africa, Taiwan, and Eastern Europe.

All government employees are required to have "no-objection" certificates before traveling abroad. Students are also required to have "no-objection" certificates from their institutions. The Government announced that the exit control list, previously used to control foreign travel more broadly, now contains only the names of serious criminals, such as drug traffickers. However, the list remains a tool available to the Government to limit foreign travel.

Over 3 million Afghans have fled to Pakistan as a result of the Soviet invasion of Afghanistan and the current civil war. The Government administers and supports some 340 Afghan refugee camps at significant cost. The movement and employment of Afghans in Pakistan has generally not been

restricted, and many Afghans reside outside the refugee camps. With the signing of the Geneva accords in April 1988 and the Soviet troop withdrawal in February 1989, the Government and U.N. agencies have begun preparing for the refugees' return. The Government, however, has maintained its policy of not pressing refugees to go home before conditions in Afghanistan are secure.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The elections in November 1988 resulted in neither the PPP nor the Islamic Democratic Alliance attaining an absolute majority of seats in the National Assembly. President Ghulam Ishaq Khan on December 1, 1988 asked PPP leader Benazir Bhutto, as leader of the party most likely to receive a vote of confidence, to form a government. Under the Constitution of 1985, the President continues to hold the power, in consultation with the Prime Minister, to dismiss the Parliament and to act as Commander in Chief.

All Pakistanis aged 21 and over have the right to vote by secret ballot in elections. Local governments and the provincial and national assemblies are directly elected. The Senate, however, is elected by the four provincial assemblies. The President is also indirectly elected by an electoral college consisting of the national and provincial assemblies and the Senate.

According to the Constitution, the national and provincial assemblies serve terms of no more than 5 years, unless earlier dissolved. The President is to be elected every 5 years, while senators are elected for 6-year terms. Local by-elections were held for provincial and National Assembly seats in several constituencies throughout 1989. Although there were credible reports of vote-rigging in some areas, most observers report the elections proceeded without major interference.

Political parties have been allowed to operate since the lifting of martial law in 1985-1986. In 1988 the Supreme Court struck down a law banning unregistered political parties from participating in elections and upheld the use of symbols by political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights organizations operate free of official harassment and their reports receive extensive coverage in the press. Pakistan has allowed visits by persons affiliated with various human rights organizations. In 1989 an AI delegation met with government officials, including the President and Prime Minister. In 1989 several new human rights and legal aid groups were formed and operated without government restriction.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

With a female Prime Minister as head of government, increased attention has been given to the rights and status of women. A strong lobby of Islamic leaders, however, refuses to accept a woman leader and continues to stress a conservative

PAKISTAN

interpretation of Islamic injunctions to justify discrimination against women. It is accepted practice to assign women a subordinate role in terms of civil, political, and individual rights.

Many Pakistanis interpret the Koran's injunctions on modesty to mean that women should remain either at home or behind the veil. In rural areas, although women of small farmer families generally work alongside men in the fields, their status remains subordinate to men, and they suffer discrimination in education, employment, and legal rights. Women are often discouraged from voting in elections by family, religious, or social custom in the rural and more conservative parts of Pakistan. In some of these areas, women are discouraged from voting by authorities who do not provide separate voting facilities for women who observe purdah restrictions; these women are unwilling to unveil themselves to male poll officials who seek to confirm their identity. Despite clear injunctions in the Koran and the civil laws that guarantee the right of women to inherit, in practice, for a number of reasons, women generally do not receive their due share in family inheritance.

These attitudes have contributed to a very low adult female literacy rate, estimated, for example, to be only 4 percent among rural women. The primary school enrollment ratio in 1983 was only 33 percent for girls as compared to 64 percent for boys, although the figure for each is rising.

A small number of urban women study and teach in the universities, but postgraduate employment opportunities remain largely limited to teaching, medical services, and the law, with a small number of women entering the commercial and public sectors. Women may now participate in international athletic competition, a change which took place only in 1989.

In February the National Assembly allowed the 1988 Shari'a Ordinance, which set up committees to ensure Islamization in education and the economy, to lapse, but a new Shari'a bill was introduced in the Senate. In July the federal Shari'a Court upheld the distinction under the Hadood Ordinances between evidence presented in court by a man and that presented by a woman. The court ruled that only men can testify as witnesses in certain cases; in other cases only women's evidence is acceptable. In certain cases the testimony of two women is required to equal that of one man.

There has been an upsurge in press reporting and public concern about the unresponsiveness or involvement of police in continuing incidents of abuse of women and rape. There has also been a disturbing increase in the number of reports of newly wed wives being burned to death in kitchen accidents. Many of these deaths are believed to be murders perpetrated by husbands dissatisfied with the size of their wives' dowries. Many women are also mutilated or killed by male relatives who suspect them of adultery. Few such cases are seriously investigated, and, owing to the value attached to privacy in this conservative society, the great majority of cases involving abuse within the family are never reported. There are no official statistics on the subject.

The courts have begun to address some of the more extreme violations of women's rights. In July the Lahore High Court, acknowledging offenses committed against women by provincial police, ordered registration of cases against police

responsible for abusing a 10-year-old girl in a local police station. The case has been registered but has not yet come to trial. The court also established procedures to protect the rights of female suspects who are in police custody

While several members of minorities are prominent in public life, reports of discrimination against minority groups in employment and education appear well founded. In the early years of Pakistan's history, minorities were able to rise to the senior ranks of the military and civil service. Today, most complain they are unable to rise above midlevel ranks. The perception of discrimination on ethnic and linguistic grounds is fundamental to the repeated ethnic conflicts in several areas over recent years and most notably in the province of Sindh during 1989. These were but the latest in a long series of conflicts between Sindhis and Mohajirs (Urdu-speaking immigrants from India). Non-Punjabis also resent what they see as domination of the bureaucracy, the police, and armed forces by the majority Punjabis. Officially designated as "non-Muslims," Ahmadis are subject to discrimination and occasional harassment and have limited chances for advancement in the public sector. Young Ahmadis and their parents complain of increasing difficulty in gaining admittance to good colleges. This problem is not unique to Ahmadis, but their resentment is strengthened by their conviction that they too are Muslims.

An aggravating element in all cases of discrimination is the continuing social stratification; socially prominent Pakistanis suffer less at the hands of officials than those less well-off, partly because of their ability to reciprocate favors, and partly because of the general deference still accorded social "betters" in Pakistani society. Although the original caste distinctions common to South Asian societies have no legally binding force, clan affiliations and ethnic identities, which in some ways parallel the old caste system, still help or hinder those seeking education, employment, justice, public services, and public office. Among most minorities, there is a conviction that the authorities, even if they do not persecute them, afford them less protection under the law than Muslim citizens.

Section 6 Worker Rights

a. The Right of Association

The right of industrial workers to form trade unions is protected by the Industrial Relations Ordinance but is subject to major restrictions in some employment areas. In practice, labor laws place significant constraints on the formation of unions and their ability to function effectively. In her first public statements after being named Prime Minister, Benazir Bhutto promised to remove all general bans on labor activity. However, little progress has been made in fulfilling this commitment.

The right of unions to strike in Pakistan is severely constrained by legally required conciliation proceedings and cooling-off periods, and especially by the Government's authority to ban any strike found to cause "serious hardship to the community" or prejudice to the national interest, or in any case after it has continued unresolved for 30 days. Strikes are rare; when they do occur, they are usually illegal and short. There are also periodic work slowdowns on the part of low-ranking government employees. There has been an

upsurge in the number of small-scale strikes on the part of doctors, nurses, and police inspectors. Police crackdowns on worker demonstrations are fairly common.

Strikes are banned by law in export promotion zones (EPZ), although this has had little impact, since EPZ development has been largely on paper to date.

At present, union members make up only about 6 percent of the industrial labor force and 3 percent of the total estimated work force. Trade unions of all political orientations are permitted, and the political leanings of labor leaders cover the entire spectrum from far left to right.

While most unions remain aloof from party politics, several have associated themselves with political parties. Since the PPP came to power in 1988, it has made a concerted effort through its labor wing, the People's Labor Bureau, to organize trade unions under its banner.

There are no official constraints on Pakistani labor federations' affiliations with international labor organizations, notably the International Confederation of Free Trade Unions and its Communist-controlled rival, the World Federation of Trade Unions.

Pakistan has been criticized for years by International Labor Organization (ILO) committees for its failure to abide by Convention 87 regarding freedom of association and Convention 98 on the Right to Organize and Collective Bargaining, both of which it has ratified. The charges, repeatedly raised by Pakistani trade unions, have focused on the limitations on union formation, strikes, and collective bargaining. No Pakistani government has yet made any serious movement towards changing any of the laws criticized in the ILO reports.

These issues were again reviewed by the ILO's Committee of Experts (COE) in 1989, along with the question of excessive government supervision of trade union funds and the question of worker rights in the export promotion zones. See also Section 6.c.

b. The Right to Organize and Bargain Collectively

Free formation of workers' associations and free election of representatives to act as collective bargaining agents are provided for by law. Current laws, however, place major limitations on the extent and effectiveness of such activities. Large sections of the labor force are excluded from the right to organize and bargain collectively under the Industrial Relations Ordinance. Union activity is prohibited for the 53 percent of Pakistan's labor force employed in agriculture. Under the Essential Services (Maintenance) Act of 1952 (ESA), normal union activities are severely restricted in sectors associated with "the administration of the State," covering a wide range of government services (e.g., education, medical) and state enterprises (e.g., oil and gas production, transport).

For each industry declared subject to the ESA (a finding which must be renewed every 6 months), a specific determination is made by the Government as to what constitutes the limits of union activity. In cases where collective bargaining has been barred, individual wage boards are established to decide wage levels. Disputes are adjudicated before the National

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Industrial Relations Commission. A worker's right to quit can also be curtailed under this Act, and a fired worker has no recourse to the labor courts. However, collective bargaining and even strikes are known in some job areas covered by the act (e.g., the nationalized banks). The abolition of the ESA is a major demand of most unions.

The ILO's COE has advised the Government that a 1980 ordinance permitting it to exempt the export processing zones from the provisions of any law is inconsistent with the requirements of ILO Conventions 87 and 98. Export processing zones are not yet functioning, and it is difficult to judge how labor laws will be applied there.

c. Prohibition of Forced or Compulsory Labor

Forced labor is specifically prohibited by Pakistani law. There is no evidence that any form of slavery or bonded labor has received official sanction. However, critics argue that the ESA's limitation on some employees' right to leave their jobs constitutes a form of compulsory labor.

Cases of illegal bonded labor appear to be widespread, with a number of specific cases and the discovery of several forced labor camps reported in 1989. The worst cases tend to come to light only through sensational treatment in the press. Bonded labor is said to be particularly common in the brick, carpet, glass, and fishing industries and extends to agricultural and construction work in rural areas.

In the brick kiln industry, however, a workers' association in 1988 succeeded in bringing the plight of bonded brickmakers in the Punjab before the Supreme Court. In March 1989, the court issued a compromise ruling which reinforced prohibitions on forced labor and forcible collection of debts and limited pay advances to 1 week's wages, while upholding the legality of existing debts. The ruling was the first important gain for bonded workers and laid the groundwork for challenges to bonded labor in other industries. Resistance to the ruling is likely to be strong, however, and reports of violations continue to appear. Moreover, due to the lack of alternatives, many workers have returned to bonded labor.

In response to the publicity surrounding this case, the Government announced its intention to introduce a bill in the current session of the National Assembly to abolish bonded labor with a proposed penalty of 3 years in jail or a $750 fine for offenders. Critics charge that the proposed legislation will be ineffective due to the inadequate penalties and the inability of authorities to enforce the law in the rural areas, where such practices are prevalent.

While it is not clear that the provision of the ESA limiting the rights of some employees to leave their jobs has been invoked, this and other questionable Pakistani legislation have been under the scrutiny of the ILO's COE for a number of years. A government representative informed the ILO's Committee on the Application of Conventions and Recommendations (CACR) in June 1989 that various provisions of Pakistani legislation deemed inconsistent with the requirements of ILO Conventions 29 and 105 on forced labor (both of which have been ratified by Pakistan) have been, or will be, amended. The representative denied the existence of illegal bonded labor in Pakistan. The CACR welcomed the progress being made with respect to legislation, but requested

more information and expressed "great concern" regarding the Security of Pakistan Act, which permits courts of law to impose sentences of prison labor for the expression of political views.

d. Minimum Age for Employment of Children

Child labor is limited by at least four separate statutes and Article II of the Constitution. These laws present a confusing picture, variously limiting employment in certain fields to those over 14 or 15, and, in one case, permitting factory work by children under 14 (in apparent contradiction of the Constitution) if a government doctor issues a certificate of fitness. None of these regulations is effectively enforced.

Despite legal limitations, child labor is common in Pakistan. While much of it is in the traditional framework of family farming or small business, the abusive employment of children in larger industries and government businesses is widespread. Although there are no reliable official statistics, unofficial surveys and occasional press features suggest that violations of existing laws are common. Unofficial estimates indicate that one-third of Pakistan's total labor force is made up of workers under age 18. The employment of children is occasionally linked with stories of bonded or forced labor and child prostitution.

e. Acceptable Conditions of Work

Labor regulations in Pakistan are governed by federal statutes applicable throughout the country. These provide for, or require the provincial governments to provide for, a legal minimum wage as well as certain worker protection and welfare services. The minimum wage, which for an unskilled worker is roughly $25 per month, is not enough to support even a small family. The law provides for a maximum workweek of 54 hours and paid annual holiday and rest periods during the workday. These regulations apply, however, only to a small minority of the labor force; they specifically do not apply to agricultural workers (roughly one-half of Pakistan's work force), to workers in Pakistan's numerous small factories with fewer than 10 employees, and to the small contract groups of under 10 workers into which factory work forces are increasingly divided.

The enforcement of labor regulations is left to the provincial governments, all of which are largely ineffective in this area. The attention given to enforcement varies among the provinces in proportion to the significance of industrial labor. In all cases, limited resources, corruption, and inadequate regulatory structures hamper the effort.

In general, worker health and safety standards are poor and little is being done to improve them. Organized labor is occasionally able to press for improvements in this area, and some legal protections apply, although they are weakly enforced.

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Forty-fifth session
Item 71 of the preliminary list*

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION
ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 18 April 1990 from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the enclosed Memorandum on the European Security Commission issued by the Federal Ministry of Foreign Affairs of the Federal Republic of Czechoslovakia on 6 April 1990 (see annex).

The Memorandum is a major foreign policy initiative of Czechoslovakia aimed at the gradual establishment of a common system of European security in keeping with the aims and principles of the Charter of the United Nations and in the framework of the Conference on Security and Co-operation in Europe. During the drafting work on this proposal, which is open to discussion, corresponding suggestions submitted by other CSCE participating countries were taken into account.

Accordingly, I would be most grateful if Your Excellency could have the texts of the present letter and of the Memorandum circulated as an official document of the General Assembly, under item 71 of the preliminary list.

(Signed) Eduard KUKAN
Ambassador
Permanent Representative

* A/45/50.

ANNEX

Memorandum on the European Security Commission issued on 6 April 1990 by the Federal Ministry of Foreign Affairs of the Federal Republic of Czechoslovakia

Political developments in the world and, particularly in Europe, are unfolding with such speed that the existing institutions are no longer in step with them. After years of confrontation, Europe finds itself at the start of a new stage. This gives rise to new possibilities, but also to certain risks.

The security structure of the Continent stemming from the post-war realities is still based on the principle of a balance of forces between the two blocs. Its foundations, however, are not solid, because they rest on artificial dividing lines. The division of Europe into two parts, as well as the division of Germany into two States, has outlived itself.

The sources of potential European conflicts are more heterogeneous than has until now been envisaged by the bipolar confrontational system. From that follows the necessity of conceiving European security more broadly and of including in it, in addition to political and military aspects, also economic, environmental and humanitarian aspects, as well as the possibility of other threats. Such security, however, cannot be safeguarded by the existing confrontational security system, but only by a new Europe-wide structure of peace, stability and confidence. The profound political changes in Central and Eastern Europe add to the urgency of the need for such a modern structure.

The Warsaw Treaty and NATO operate today under different conditions than those under which they came into being. Those organizations, which, until now, have divided Europe, should shift the focus of their activity primarily to the field of disarmament. We assume that further development will enhance their political role and will gradually tone down their military role. This process, at the same time, will not have to proceed symmetrically, since, in many aspects of their activities, the two groupings are not identical.

We believe that the best suitable basis on which to build a unified all-European security system is provided by the CSCE process. The new situation in Europe demands of this process to be heading with greater momentum in the direction of a second generation of Helsinki understandings. These should create the prerequisites for the gradual establishment of a common system of European security. The attainment of that goal calls for institutionalizing our joint efforts within the Conference on Security and Co-operation in Europe (CSCE) and creating effective mechanisms of a new type.

A longer-term outlook of building a modern security system calls for making full use of the experience of the existing institutions of multilateral co-operation, such as the Council of Europe and others, which should gradually become Europe-wide.

Seeking new possible approaches, we proceed from the positive lessons learned so far in the CSCE process, as well as from the need to respond to the development in Germany and to the profound social changes in Central and Eastern Europe.

In keeping with the purposes and principles of the Charter of the United Nations and of the Conference on Security and Co-operation in Europe, Czechoslovakia proposes, in the first stage, the establishment of a European Security Commission comprising the participating States of the Helsinki process. Its justification is seen by us in the fact that it would provide a permanent all-European platform for the consideration of questions relating to security on the Continent, and for seeking their solution, which, until now, has been missing. This European Security Commission would operate side-by-side with the existing two groupings and independently of them.

The formation of an effective system of European security would, in the second stage, be facilitated by the establishment, on a treaty basis, of an Organization of European States, including the United States and Canada.

The third stage would culminate in a confederated Europe of free and independent States.

The European Security Commission would operate on the basis of consensus. It would initially fulfil consultative, co-ordinating and certain verification functions and, later on, such functions as would be agreed by the participating States. This would include, in particular, the following tasks:

- Considering international political correlations of European security and proposing the adoption of appropriate measures;

- Forestalling threats to European peace and security, the rise of exacerbated situations, disputes, military incidents and conflicts, and recommending, as well as offering, means of their settlement (good offices, mediation, fact-finding, conciliation etc.);

- Dealing with questions of threats to, and violations of, security that are due to economic, ecological and humanitarian causes and assume large proportions and have international implications;

- Creating a scope for direct contacts and negotiations of the two groupings and their members, attended, if need be, also by the European neutral and non-aligned countries;

- Commenting on the conduct of negotiations by the European disarmament and security forums and proposing their further orientation;

- Considering the possibilities of expanding the agenda of the existing disarmament forums and the establishment of new ones;

- Considering reports by verification and consultation centres on compliance with European arms control and security agreements;

- Informing each other on doctrinal, structural, organizational and budgetary changes relating to the armed forces of the participating States and on the introduction of new weapon systems by them;

- Informing the United Nations, as well as regional organizations, on the results achieved in the sphere of European disarmament and security.

The Commission would meet at the level of Ministers for Foreign Affairs and their Permanent Representatives. Regular sessions at the level of Ministers would be held at least once a year. Extraordinary sessions could be convened at the request of participating States.

Sessions of Permanent Representatives would be held once a month or more frequently, if so requested by a participating State.

Subordinated to the Commission would be a Military Committee composed of military representatives of the CSCE participating States. It would meet at least once a year and would deal with questions specified by the Commission. For the purpose of the implementation of its tasks, the Commission may establish auxiliary bodies. The necessary technical services for the Commission would be secured by a not very sizeable, operative, permanent secretariat.

Czechoslovakia offers Prague as the permanent seat of the Commission. At the request of the participating States, the Commission could also meet elsewhere.

The forthcoming Summit of the 35 participating countries, which will consider important questions of the further development of security and co-operation in Europe, could adopt a decision concerning the creation of organizational prerequisites for the establishment of the European Security Commission as a nucleus of a new security structure on the Continent.

Czechoslovakia, for historical, political-strategic and other reasons, has an eminent interest in the creation of such a structure. While drafting our proposal, we took into account the suggestions which have so far been submitted by the other CSCE participating countries and which came close to our concept of European security. This proposal is open to discussion.

The dynamic development on the Continent creates conditions for various approaches to the shaping of all-European structures and their appropriate mechanisms. The goal however, should be to create a new, sufficiently flexible and future-oriented model of European security.

Such a development should be in the interest of not only Europe, but of the whole world.

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Item 89 of the preliminary list*

SPECIAL ECONOMIC AND DISASTER RELIEF ASSISTANCE

Letter dated 18 April 1990 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General

I have the honour to write to bring to your attention the appeal made by my Government for immediate relief aid to alleviate the suffering of the victims of the recent and continuing widespread floods caused by heavy rains in many parts of the country. The regions affected are Mtwara, Lindi, Kilimanjaro, Arusha, Morogoro, Tanga and Singida. The most seriously affected have been Mtwara and Lindi regions, where 69 people are confirmed dead, hundreds missing and over 150,000 have been displaced.

I enclose the text of the appeal issued by the Government on 13 April 1990 and request that it be circulated along with the present letter as a document of the General Assembly under item 89 of the preliminary list.

(Signed) A. B. NYAKYI
Ambassador

* A/45/50.

ANNEX

Appeal for international assistance dated 13 April 1990 issued by the Government of the United Republic of Tanzania

Excessive rains through much of Tanzania over the last four weeks have brought about disastrous consequences upon life and property. The rains have resulted in floods in a number of regions with bridges and whole sections of permanent roads being swept away and lives have been lost. Hundreds of homesteads have fallen, crops have been destroyed; the damage done is so great that it amounts to a national disaster.

The worst affected regions have been Mtwara and Lindi in the south-east of the country, where the death toll has reached 69, many others are missing and land communications and water infrastructure costing millions of dollars has been destroyed. Other regions affected include Kilimanjaro, Arusha, Morogoro, Tanga and Singida.

The Government is doing everything possible to alleviate the suffering of the affected people and to mobilize national resources to restore some normalcy to life. The Government wishes to thank all those people and institutions, both private and public, which have already made contributions to the relief effort. But the Government therefore appeals to the international community for assistance. There is the immediate task of containing the risk and the spread of communicable diseases, providing temporary shelter to the thousands of homeless, restoring safe sources of drinking water. Additionally there is the task of rehabilitating the devastated communication links, which have left districts isolated from each other. The Government appeals to the international community for assistance in the following areas:

Medicine: Anti-cholera, anti-typhoid and malaria treatment medicine.

Shelter: Tents and GCI sheets for immediate use.

Communications: Bridge construction equipment and components, earth-moving equipment for road construction.

Water: Water restoration assistance.

Air transport: Helicopters and spares.

Financial assistance: For meeting the costs of the operation.

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of the preliminary list*
ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION
POLICIES AND PROGRAMMES INVOLVING YOUTH
CRIME PREVENTION AND CRIMINAL JUSTICE
ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN
ELIMINATION OF ALL FORMS OF RELIGIOUS
INTOLERANCE
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 19 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Saudi Arabia. I have underlined passages of special relevance.

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 94, 99, 103, 104, 109, 112 and 113 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

* A/45/50.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1990

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* Underlining has been added by the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations.

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SAUDI ARABIA

Saudi Arabia is a monarchy ruled by the descendants of its founder, King Abd Al-Aziz (known in the West as "Ibn Saud"), who unified the country in the early part of the 20th century. The concept of separation of religion and state is foreign to Saudi society, and the legitimacy of the regime rests to a large degree on its perceived adherence to the defense of a conservative form of Islam. The legal system is based on the Shari'a, the codified Islamic religious law. There is no written national constitution. Most Saudis share a respect for this legal system, which they believe to be divinely inspired, as well as for ancient customs which call for consensus in government, internal social cohesion, and private economic enterprise. Since the death of King Abd Al-Aziz, the King and Crown Prince have been chosen from among his sons, who themselves have preponderant influence in the choice. Senior religious scholars and other princes also have a voice. There are no elected assemblies or political parties. All forms of political expression (except those favorable to the regime) are forbidden.

Saudi Arabia's security rests with three entities: the Ministry of Defense and Aviation, which controls the Army, Air Force, and Navy; the National Guard, which is responsible for guarding vital internal installations and providing additional land forces in case of war; and the Ministry of Interior, which is responsible for internal security (including police) and border forces.

During the past 40 years, massive oil revenues have transformed Saudi Arabia's centuries-old pastoral, agricultural, and commercial economy. This transformation has been marked by rapid urbanization, large-scale infrastructural development, the emergence of a technocratic middle class, and the importation of millions of foreign workers to do menial and high-skill jobs. It has also been marked by widespread expenditure of public funds in ways which have enriched the royal family and their associates. With some important exceptions, the economy remains largely in private hands.

No major new developments affected human rights in 1989. As in previous years, there were continuing reports of mistreatment of prisoners and incommunicado detention. Civil liberties--particularly the freedoms of speech and press, peaceful assembly and association, religion, and the right of citizens to change their government--were still significantly restricted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political killings, but there was one reported death by torture of a person in official custody (see Section 1.c.).

b. Disappearance

There were no known disappearances.

SAUDI ARABIA

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Under the Saudi interpretation of Islamic law, punishment for some crimes may include amputation, administered under anesthetic, or execution by beheading, firing squad, or stoning (with the convicted person in a drugged state). In the absence of two witnesses (four witnesses in the case of adultery), confessions before a judge are usually required for conviction. There were unconfirmed reports in 1989 that the police beat some detainees to elicit confessions. One prisoner is known to have been forced to stand for long periods of time with his hands above his head as a means of inducing him to confess. In an August 10 press release, Amnesty International (AI) alleged that Zahara' Habib Mansur al Nasser died in July while in police custody, reportedly as a result of torture.

In accordance with its interpretation of Islamic law, Saudi Arabia imposes capital punishment for a wide variety of crimes. Beheading is the usual method of execution, and all executions in 1989 were by this method. In some cases in 1989, beheading was followed by public crucifixion. Death by firing squad or stoning may be imposed for adultery. There were reliable reports of public nonjudicial stonings for adultery during 1989. In the first 10 months of 1989, at least 13 recidivist thieves had their hands severed, including 11 non-Saudis.

For less severe crimes, such as drunkenness or publicly flouting Islamic precepts, flogging with a cane is often imposed. Flogging is intended to degrade rather than cripple the criminal and to serve as a deterrent to others. The skin is not broken, and the flogging, though it is painful and leaves welts, is administered with a bent elbow. One of the Kuwaitis sentenced to prison for the bombings in Mecca in 1989 will receive a total of 1,500 lashes in 30 installments over his 20-year sentence. Two Americans were flogged for alcohol-related offenses in 1989.

In its 1989 Report, covering 1988, AI noted that it had received new information about the torture and ill-treatment of detainees in previous years. Among the practices described were "falaqa" (beating on the soles of the feet) with the ankles secured by rope to a raised pole; partial submersion in water; sleep deprivation; and extended solitary confinement. It said reports from detainees indicated torture is commonly practiced at the General Directorate of Investigations (GDI) prison in Dammam.

Members of the Committee for the Propagation of Virtue and Prevention of Vice (the "religious police," commonly called Mutawwi'in), enforce laws concerning prayer time closings and appropriate dress in public. They have the legal right to detain suspects for up to 24 hours before turning them over to the regular authorities. Mutawwi'in have flogged detainees while seeking to elicit a confession and often use switch-like sticks in harassing those who violate the law. Some incidents of harassment were attributable to self-appointed vigilantes who function outside the Mutawwi'in hierarchy. Expatriates were often the targets of harassment. In several instances involving Americans, the U.S. Government protested to the Saudi Government. The Government has occasionally disciplined overzealous Mutawwi'in, and in a year-end speech the King

cautioned the religious police to carry out their duties in a civil fashion.

d. Arbitrary Arrest, Detention, or Exile

Saudi security forces are divided into several branches, including the regular police and the special investigative police. Since criminal procedure is generally determined at the discretion of the arresting officer, arbitrary arrest occurs. There is no automatic, prompt procedure for contacting a detainee's family or employer; however, in cases involving foreigners, Saudi authorities acknowledge that they have the obligation to do so. When asked, the police will almost always confirm an arrest. Embassies usually hear about arrests of their nationals informally within a few days. Although in the past consular officials were usually given prompt access to prisoners, a new policy requiring Foreign Ministry approval has caused delays in consular visits. Official notification almost always takes several months, if it is given at all.

Problems may arise when persons are arrested by the GDI, the security service commonly called the "Mubahith" or investigative police. GDI prisoners are regularly held incommunicado during the initial phase of an investigation, which may last weeks or months. Following the bombings in Mecca in July 1989, a number of suspects were arrested and held for weeks without official charges while their cases were being investigated.

Saudi law makes no provision for bail or habeas corpus; prisoners are sometimes released on the recognizance of a patron or employer. Prisoners may be held for long periods while investigations proceed before being charged or released. Regulations issued by the Interior Ministry in 1983 to eliminate lengthy pretrial detentions or detentions without charges are frequently not enforced. However, under normal circumstances most arrestees are held no longer than approximately 3 days before being formally charged.

In a July 1989 newsletter, AI expressed concern over the detention since April 1988 of over 40 Shi'a activists in prison in Riyadh.

The Government does not formally use exile as a form of punishment. However, in the past, dissident members of the royal family have been barred from reentering the country. Denial of exit visas is a more common punishment.

AI charged in a report issued in January 1990 that there is evidence of a "clear pattern of suspected political opponents being arrested without warrant and held for long periods without trial." The detainees cited in the report are members or suspected members of several Shi'ite fundamentalist groups banned in Saudi Arabia. The report alleges that detainees are routinely tortured or otherwise abused in the first days or weeks of detention and are denied access to counsel and family. AI states that the Saudi Government has not responded to its contention that at least 66 individuals are being held without charge or trial. AI has specifically cited the case of Shi'ite scholar Sayyid Tahir Al Shimimy, saying there are fears that he has been tortured during his detention since June 1989.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

The judicial system is founded upon the Shari'a. Regular Shari'a Courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance of real or personal property. Trials are generally closed and are normally held without counsel, though the advice of lawyers is available before trial. In a Saudi court the defendant appears before a judge who determines guilt or innocence and, if warranted, imposes the appropriate punishment. Counsel is not permitted in the court itself, but lawyers may act as interpreters for those unfamiliar with Arabic. With rare exceptions, there is no consular access to the trials of foreign nationals. Sentencing is not uniform and may be changed at any of the stages of review. Appeals against judges' decisions are automatically reviewed by the Justice Ministry or, in more serious cases, by the Court of Cassation and the Supreme Judicial Council, to ensure that court procedure was correct and that the judge applied appropriate legal principles and punishments. Cases involving capital punishment must also be reviewed by the King.

Shi'a are free to adjudicate exclusively noncriminal intra-Shi'a disputes within their own legal tradition.

The independence of the judiciary is prescribed by law and usually respected in practice, although jurists are nevertheless aware of (and reportedly have often acceded to) the power and influence of the royal family and their associates. The Justice Ministry is responsible for the appointment, transfer, and promotion of judges. Judges may be disciplined or removed only by the Supreme Judicial Council, an independent body of senior jurists. The Supreme Judicial Council in the past has investigated and removed corrupt judges to allow prosecution and imprisonment.

Specialized labor and commercial courts decide cases on the basis of decrees issued by the Council of Ministers and regulations issued pursuant to those decrees. The labor and commercial courts' effectiveness is frequently vitiated by long delays in reaching decisions and practical difficulties in enforcing judgments reached. In addition, it is often impossible to obtain texts of laws or decrees, and the decisions of the commercial and labor courts are reportedly often influenced by the relative rank or influence of the parties involved. The military justice system has jurisdiction over uniformed personnel and civilian government employees charged with violations of military regulations. Court-martial decisions are reviewed by the Minister of Defense and Aviation and the King.

The Board of Grievances arbitrates claims against the State. Although the Board has a staff of experienced jurists and is guaranteed considerable independence, it lacks the power to enforce judgments, and the collection of debts owed by the Government to contractors remains difficult.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Among the most fundamental of Islamic precepts are the sanctity of family life and the inviolability of the home. Saudi police must generally demonstrate reasonable cause and obtain special permission from the provincial governor before

searching a private home, but warrants are not required. The Mutawwi'in may enter homes to search for evidence of un-Islamic behavior when they have grounds for suspicion, but instances of this appear to be rare. Wiretaps and mail surveillance can be carried out on the authority of officials of the Interior Ministry or the Directorate of Intelligence. Informants are reliably reported to be widely employed in internal security matters. An American citizen was detained and deported in 1989 for political statements made in private correspondence which was opened by Saudi authorities.

Most social and Islamic religious norms and strictures affecting personal life are matters of law and are enforced by the Government. Saudi women may not marry non-Saudis without government permission, which is rarely given. Saudi men must obtain approval to marry women from countries other than the six members of the Gulf Cooperation Council. During the Muslim holy month of Ramadan, the prohibition against public eating, drinking, or smoking during daylight hours is enforced on Muslims and non-Muslims alike. Prohibitions against alcohol and material deemed pornographic are strictly enforced and apply as well to foreign residents. Decorum in dress and demeanor, as well as the closing of shops for a half-hour period during the five daily prayers, are enforced by the Mutawwi'in.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The freedom of speech and press is significantly limited. Criticism of Islam or of the ruling family is not allowed. The potential presence of informers renders public criticism of the regime rare. In private, complaints are expressed relatively freely. Saudis are able to voice complaints and to seek redress of grievances through the open door audiences which are held regularly by even the highest officials, but such grievances are generally personal rather than political or social.

Saudi television and radio are state owned and operated. Foreign programs and songs are heavily censored, with references to politics, religions other than Islam, pork or pigs, and alcohol removed. Although foreign news is generally presented in an objective manner, news about subjects affecting Saudi Arabia is tightly controlled and conflicting viewpoints are not offered.

The press is privately owned. It is effectively controlled by a 1982 media policy statement and the firm understanding that nothing embarrassing to the Government, ruling family, or religious leadership may be published. The media policy statement enjoins the press to uphold Islam, oppose atheism, promote Arab interests, and preserve the cultural heritage of Saudi Arabia. Newspapers receive guidelines issued by the Information Ministry on government positions on controversial issues, and the government-owned Saudi Press Agency (SPA) expresses the official viewpoint on such issues. Most foreign news that does not directly concern Saudi Arabia is presented objectively. Domestic news concerning sensitive subjects, such as crime or terrorism, is not published.

Editors-in-chief are appointed with the tacit approval of the Information Minister, and the Government has the power to have them removed. Foreign publications circulate but can be

censored for materials deemed immoral or explicitly or implicitly critical of Saudi policies and actions. For example, international publications such as Time or the International Herald Tribune are received by subscribers or appear on newsstands with advertisements for alcoholic beverages, pictures of female celebrities, and beach scenes torn out or obscured with black ink, and entire publications have sometimes been withheld from distribution. Crossword puzzles and comic strips in English-language newspapers are sometimes censored.

Academic freedom is constrained by similar guidelines; for example, the study of Freud, Marx, and Western philosophy is forbidden. Professors commonly believe that classroom comments which would be taken as antiregime will be reported to the authorities. There is also an injunction against the study of music in educational institutions, including universities. Nevertheless, there has been an increase in artistic activities in schools and universities, and in society in general, as evidenced by classes sponsored by the Saudi Arabian Society for Culture and Arts, an association whose head holds ministerial rank. There are also private art galleries, and some members of the royal family patronize the arts. Abstract and representational artists as well as photographers are allowed to work. Cinemas and most public musical or theatrical performances are, however, still prohibited.

b. Freedom of Peaceful Assembly and Association

Public demonstrations as a means of political expression or to present grievances are prohibited. Tribal, familial, and economic interest groups informally aggregate public opinion, which their leaders express to high officials. Nonpolitical clubs and professional groups may be organized with the permission of the authorities. The few existing professional bodies are permitted but not encouraged to maintain contacts with their recognized international counterparts. Public meetings are generally segregated by sex. Unless they are sponsored by diplomatic missions, members of groups seeking to hold unsegregated meetings face arrest, imprisonment, and deportation.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is strictly circumscribed. Islam is the official religion, and all Saudi citizens must be Muslims. Conversion to another religion is a crime punishable by death. The Saudis allow all Muslims who wish to visit Mecca and Medina to do so. However, in conjunction with the Organization of the Islamic Conference, they have established a system of national quotas for the yearly pilgrimage, or hajj, which is seen as discriminatory by some nationalities, particularly the Iranians. Travel to the holy places by non-Muslims is illegal. Political activities by pilgrims are banned. Islamic practice in Saudi Arabia is limited to that sanctioned by the "Wahhabi" interpretation of the Hanbali jurisprudential school. Practices contrary to this interpretation, such as the visiting of graves by pilgrims to Mecca or Medina, or the use of the Shi'ite call to prayer, are prohibited.

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The Shi'a Muslims of the eastern province, usually estimated at up to 400,000 persons, constitute a religious minority subject to officially sanctioned forms of social and economic discrimination. Any form of public Shi'ite practice that deviates from Sunni Islam is generally prohibited. Historically, the Government has prohibited Shi'ite public processions during the holy month of Muharram and restricted public celebrations to specially designated areas within the major Shia cities, but there were reports that authorities permitted marches in 1989 without banners or public self-flagellation. In addition, Shi'ite banners were allowed to be hung from a public building in at least one Eastern province town.

The Government offers to provide financial support for the Shi'a religious establishment, which is generally refused. The Government seldom permits private construction of Shi'ite mosques, and the Shi'a have refused government offers to build state-supported mosques, in which Shi'ite motifs would be prohibited.

Public or private non-Muslim religious activities are not permitted, and importation of non-Islamic religious materials, including Christmas cards or trees, is illegal. Persons wearing non-Islamic religious symbols in public may be arrested or publicly harassed by the Mutawwi'in. There are no non-Muslim places of worship, and foreign nationals may practice their religions only in secret. Proselytizing, large gatherings, or elaborate organizational structures are likely to attract official attention and lead to the imprisonment or expulsion of those responsible.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Male Saudis may travel freely anywhere within the country. Most male Saudis may also travel abroad freely. In the case of government officials, the permission of the royal court is required, but apparently is normally perfunctory. Saudi and non-Saudi women must obtain written permission from their closest male relative before being allowed to leave the country, or to travel on public transportation between different parts of the country. The passports of suspected subversives have occasionally been seized. Shi'a known to have pro-Khomeini sympathies may not be allowed to travel abroad. Saudis are permitted to emigrate and assume foreign nationality, which results in the loss of Saudi nationality. Citizenship is not revoked for political reasons.

There is no explicit formal policy regarding refugees or granting asylum. Refugees and displaced persons are in most cases dealt with like other foreign workers. With some exceptions, persons seeking residence in the country must meet strictly enforced requirements of sponsorship and employment. There are over 250,000 resident foreigners who fled their native countries, primarily Palestinians, Lebanese, Eritreans, Somalis, Afghans, and South Yemenis. These persons generally receive no special treatment, privileges, or services. Individual Saudis (frequently members of the ruling family) permanently sponsor such individuals to enable them to remain in Saudi Arabia, permitting them to find work where they may. In a small number of cases, sponsors reportedly have charged fees to such persons for providing documentation required by the Government. There are few Saudi refugees outside the country. Saudi Arabia is not a signatory of the International

Convention on Refugees, but Saudi authorities have reportedly been responsive in cases where deportation of refugees to their home country would jeopardize their safety.

Foreigners living in Saudi Arabia, except for North Yemenis, are required to carry identification cards. They are not permitted to travel outside the city of their employment or to change their workplace without their sponsor's permission. Foreign diplomats may not travel outside of the major cities without notifying the Government. Foreign national employees are not permitted to travel abroad without their sponsor's permission, since sponsors hold their passports and are responsible for obtaining exit visas for them. Foreigners involved in commercial disputes are often not allowed to leave the country until the dispute has been resolved. Sponsors have taken advantage of this arrangement at times to exert unfair pressure to resolve commercial disputes in their favor. Occasionally Saudi sponsors or business partners have been able to prevent foreign nationals from departing Saudi Arabia for years or to have them arrested or deported. In criminal cases, Saudi regulations require that the passports of all potential suspects and witnesses be seized. This has sometimes forced innocent foreign nationals to remain in Saudi Arabia for lengthy periods against their will.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability peacefully to change their government. There are no formal democratic institutions, and most Saudi citizens have no voice in the choice of leaders or in changing the political system. The King rules the country in matters secular and religious, within limits established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders. The King's legitimacy is based upon his descent, his selection by consensus of the royal family, his adherence to the tenets of Islam, his ability to govern, and his perceived concern for the welfare and security of the nation. The King is also the Prime Minister, and the Crown Prince serves as First Deputy Prime Minister. The King appoints all other Ministers, who in turn appoint subordinate officials with cabinet concurrence. There are no popularly elected officials in Saudi Arabia. Political parties are not permitted, and there are no public organized opposition groups.

Traditionally, public opinion has been expressed through client-patron relationships and interest groups such as tribes, families, and professional hierarchies. The open-door audience (majlis) remains the primary forum for expression of opinion or grievance. Any male citizen or expatriate may attend these sessions, which the King, Princes, and all important officials, national and local, hold regularly and openly. Since the assassination of King Faisal during a majlis in 1975, however, kings have reduced the frequency of their personal contacts with the public. Access to King Fahd, to whom decisions on some even relatively minor matters are referred, is considered to be quite difficult. Typical topics raised in a majlis are complaints about bureaucratic delay or insensitivity, requests for redress or assistance, and criticism of particular acts of government affecting personal or family welfare. Broader "political" concerns--Saudi social, economic, or foreign policy--are raised only occasionally. Either the King or the Crown Prince meets with Sunni religious leaders at least once a week.

This institutionalized but relaxed means of ascertaining public opinion through consultation has limitations. Participation by women in the process is severely restricted, although there are reports that women may seek redress through female members of the royal family. As governmental functions have become increasingly complex, time consuming, and centralized in Riyadh, direct access to senior officials has become more difficult.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no human rights groups in Saudi Arabia, and none critical of Saudi policies would be permitted. AI, in its 1989 Report, states that the Foreign Minister wrote to the organization in January 1988 indicating Saudi willingness to discuss with AI officials "the origins of human rights in Islam and the principles of the Shari'a and its implementation in the Kingdom of Saudi Arabia."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although racial discrimination is illegal in Saudi Arabia, substantial societal prejudice based on race still exists. Foreign workers from Africa and Asia are subject to various forms of discrimination, as are Saudis from the Yemeni-influenced areas of southwest Saudi Arabia.

Women in Saudi Arabia have few substantive political and social rights, and they are not equal members of society. Women (including foreigners) may not drive motor vehicles (or bicycles), and there are restrictions on their use of public facilities when men are present. By law and custom, women cannot travel alone; they may travel abroad, or within the country, only with the written permission of their nearest male relative. They are restricted to specially designated sections in the rear of urban buses with separate entrances. In public, women are expected to wear black garments covering their entire bodies, including, in many cases, their faces. Female circumcision or other mutilation is not practiced in most parts of Saudi Arabia, although there are indications that it may persist in the southwestern Tihama region. Although no figures are available, it is likely that physical abuse of women by their husbands or male relatives is not uncommon. "Islamic advice" columns in the Saudi press frequently recommend beating of women as a form of discipline.

In addition to these customary and legal restrictions, Saudi women are subject to discrimination inherent in the Islamic legal system. Under Islamic law a daughter's share of an inheritance is less than that of her brother, although the brother has financial obligations to his mother and sisters. Women must demonstrate legally specified grounds for divorce, but men may divorce without grounds. If divorced or widowed, a woman normally may keep her children until they attain the age of 7 years, but then they revert to the husband's family, to whom they belong under Islamic law. American women married to Saudis have frequently been barred from visiting their children after divorce. In a Shari'a court, the testimony of one man equals that of two women. Although Islamic law permits polygamy, it is becoming less common, especially in cities and among younger Saudis. Islamic law limits the

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number of wives to four, and requires a husband who has more than one wife to treat each of his wives equally.

Employment opportunities for Saudi women are extremely limited, although there has been some slight improvement in recent years. In practice their employment is largely restricted to the media and to the teaching and health care professions. Free but segregated education through the university level is available to Saudi women, and the number of women enrolled in the educational system now totals more than a million, up about 50 percent in the past 5 years. Saudi men are able to study overseas; Saudi women cannot.

The large expatriate work force does not, for the most part, receive the same economic and social benefits available to native Saudis and must conform to restrictive Saudi social standards. Only a few highly skilled or high-ranking foreign workers are allowed to bring their families to live with them. Visits by relatives of foreigners working in Saudi Arabia, including foreign diplomats, are difficult to arrange. Employment opportunities for non-Muslims are circumscribed. Foreign embassies have received numerous reports of sexual abuse of female domestics by Saudi employers. It is almost impossible for these women to obtain redress in the courts, although a few employers have reportedly been punished for such abuses.

Saudi Shi'a face discrimination in government and industrial employment, especially in jobs with national security implications, which is broadly defined. The government petroleum company, Saudi Aramco, which traditionally provided large numbers of jobs to Shi'a, reportedly has been instructed to cease all further hiring of Shi'a and to phase out gradually all Shi'a working in responsible positions. Shi'a also face some limitations on their access to social services, despite efforts by the Government to improve the social service infrastructure in predominantly Shi'a areas of the country. Since the Iranian revolution, some Shi'a have been subjected periodically to surveillance and limitations on travel abroad.

Members of the royal family, and of other powerful families, are not subject to the same legal constraints as other Saudis. Princes and other influential persons may not be subject to customs inspection on entering the country and cannot be arrested. Government contracts are allegedly often awarded on the basis of influence, and foreign companies doing business in Saudi Arabia are said to need an influential "sponsor," often a member of the royal family, to be successful.

Section 6 Worker Rights

a. The Right of Association

Government decrees prohibit the formation of labor unions and strike activity. Saudi Arabia has been a member of the International Labor Organization (ILO) since 1976 but has ratified neither ILO Convention 87 regarding freedom of association, nor Convention 98 on collective bargaining.

b. The Right to Organize and Bargain Collectively

Collective bargaining is not recognized. There are no export processing zones in the country.

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c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor, in the usual sense, is not known to exist in Saudi Arabia. However, since employers generally exercise control over the movements of foreign employees, situations that could be described as forced labor can occur, especially in remote areas where workers are unable to leave their place of work. There are also reports that female workers are sometimes prevented from leaving the homes of their employers and forced to work 12 to 16 hours per day, 7 days a week. In addition, there are reports of workers whose employers have refused to pay several months' or even years' of accumulated salary, or other promised benefits, although in such cases workers have recourse to the labor courts. Workmen's wages are considered "first-class privileged debts," secured by a lien on all of the employer's property, and enforceable for collection before all other debts.

d. Minimum Age for Employment of Children

There is no minimum age for workers employed in family-operated businesses or in other situations that are construed as extensions of the household (e.g., farmers, herdsmen, and domestic servants) since they are not covered by Saudi Arabia's labor regulations. In other cases, the labor regulations provide for a minimum age of 13, which may be waived by the Ministry of Labor with the consent of the juvenile's guardian. Women and children under age 18 may not be employed in hazardous or harmful industries, such as mines or industries employing power-operated machinery.

e. Acceptable Conditions of Work

There is no legal minimum wage. The effective minimum wage is the amount required to induce laborers to come to work in Saudi Arabia. In some companies and institutions, wages are effectively set in accordance with nationality. As a result, workers from some countries may find themselves paid far less than workers from other countries who have equal seniority and are doing the same job. Saudi labor regulations establish a maximum 48-hour workweek at regular pay, and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay.

Saudi labor regulations require employers to protect most workers from job-related hazards and disease, but workers employed in family-operated businesses, farmers, herdsmen, and domestic servants are not covered by these regulations. The law specifically prohibits employers from requiring workers to work outside when the temperature exceeds 122 degrees Fahrenheit. Labor Ministry inspectors and the labor courts are seeking, with some success, to enforce the labor code, but foreign nationals report frequent failures to enforce health and safety standards.

Saudi Arabia has a generous social security program. Most foreign workers were formerly eligible to participate in this program on the same basis as Saudis, but were excluded from participation in 1987. Saudi Arabia is now refunding all previous contributions by foreign laborers to these programs, with interest.

Foreign workers reside in Saudi Arabia in an explicitly temporary status comparable to workers who enter the United States under temporary labor contracts. As a consequence,

they are officially barred from seeking employment with anyone but their sponsor, although in practice many do change jobs during the course of their stay in Saudi Arabia. If dismissed, foreign workers are officially obliged to leave the country by a date set by their employers, although many do stay on in alternate employment. In some cases, foreigners, who have worked in Saudi Arabia for many decades and who may have no country to which they can return, find themselves required to leave the country immediately if demanded by their employers or upon retirement.

There are numerous reports of domestic servants being victims of overwork and sexual and physical abuse. Saudi relations with a country supplying large numbers of foreign domestics were, in fact, strained in 1988 due to that country's concern with the treatment of its citizens in such positions. This problem was later settled--at least to the satisfaction of both governments--through bilateral negotiations. As noted above, domestic positions, such as maid, nanny, and cook, are not covered by Saudi labor regulations. This fact, plus ignorance of the labor regulations, inability to understand Arabic, and fear of retribution from their employers, have generally militated against maids pressing charges in court. The Government, in general, considers cases involving domestic servants to be private family matters and will not get involved unless clear-cut charges of severe abuse are brought to its attention.